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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JON K. LEWIS, ROBERT DONG YEE,
ARON E. TREMBLE, and ADAM L. HORNSTEIN

Appeal 2016-005405
Application 13/408,924
Technology Center 3600

Before ST. JOHN COURTENAY III, NORMAN BEAMER, and
MATTHEW J. McNEILL, *Administrative Patent Judges*.

COURTENAY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1–6, 8–11, 13, 14, 16, and 21–28, which are all the claims pending in this application. Claims 7, 12, 15, and 17–20 are cancelled. We have jurisdiction over the pending claims under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Introduction

Appellants’ invention is directed to a method to deliver a coupon. “A list of coupon options is provided via a coupon application. A coupon selection is determined from the list of coupon options based on the list of

coupon options with at least one coupon option selected. The coupon is obtained based on the coupon selection.” (Spec. ¶ 62; Abstract).

Exemplary Claim

1. A method comprising:

[L1] *printing a list of coupon options on at least a first sheet of media via a coupon application to yield a printed list of coupon options;*

[L2] *marking the printed list of coupon options by placing, on the first sheet of media, selection marks next to selected coupon options from among the printed list of coupon options, the marking yielding a marked list of coupon options;*

[L3] *scanning, by a scanner, the marked list of coupon options including the selection marks next to the selected coupon options, to produce a scanned list of coupon options;*

[L4] *determining, by a coupon device, a coupon based upon the scanned list of coupon options; and*

printing the determined coupon on a second sheet of media to yield a printed coupon.

(Contested limitations L1–L4 are bracketed and emphasized).

Rejections¹

A. Claims 1–6, 8–11, 13, 14, 16, and 21–28 are rejected under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter.

Ans. 2.

¹ We note the heading of the Examiner’s § 102(b) rejection (listing claims 1–20) in the Final Action (6) appears to be a typographical error, because the Examiner provides a detailed statement of rejection for claims 1–6, 8–11, 13, 14, 16, and 21–28 on pages 7–15, which follow under the §102(b) rejection heading. Similarly, the Examiner omits claim 6 from the § 101 rejection heading in the Final Action (2). However, the Examiner clarifies in the Answer (2) that claims 1–6, 8–11, 13, 14, 16, and 21–28 stand rejected on appeal under 35 U.S.C. § 102(b) and 35 U.S.C. § 101.

B. Claims 1–6, 8–11, 13, 14, 16, and 21–28 are rejected under pre-AIA 35 U.S.C. § 102(b) as being anticipated by Barkan et al. (US Patent Publication No., 2004/0056101 A1, Published: March 25, 2004) (hereinafter “Barkan”). Ans. 2.

Issues on Appeal

Did the Examiner err in rejecting claims 1–6, 8–11, 13, 14, 16, and 21–28 under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter?

Did the Examiner err in rejecting claims 1–6, 8–11, 13, 14, 16, and 21–28 under pre-AIA 35 U.S.C. § 102(b) as being anticipated by Barkan?

ANALYSIS

We have considered all of Appellants’ arguments and any evidence presented. To the extent Appellants have not advanced separate, substantive arguments for particular claims, or other issues, such arguments are waived. *See* 37 C.F.R. § 41.37(c)(1)(iv). We highlight and address specific findings and arguments for emphasis in our analysis below.

Rejection A of Claims 1–6, 8–11, 13, 14, 16, and 21–28

Under 35 U.S.C. § 101

Under 35 U.S.C. § 101, a patent may be obtained for “any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof.” The Supreme Court has “long held that this provision contains an important implicit exception: Laws of nature, natural phenomena, and abstract ideas are not patentable.” *Alice Corp. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2354 (2014) (quoting *Ass’n for Molecular*

Pathology v. Myriad Genetics, Inc., 133 S. Ct. 2107, 2116 (2013)). The Supreme Court in *Alice* reiterated the two-step framework previously set forth in *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 132 S. Ct. 1289, 1300 (2012), “for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts.” *Alice*, 134 S. Ct. at 2355.

The **first step** in that analysis is to determine whether the claims at issue are directed to one of those patent-ineligible concepts, such as an abstract idea. Abstract ideas may include, but are not limited to, fundamental economic practices, methods of organizing human activities, an idea of itself, and mathematical formulas or relationships. *Id.* at 2355–57.

If the claims are not directed to a patent-ineligible concept, **the inquiry ends**. Otherwise, the inquiry proceeds to the **second step** where the elements of the claims are considered “individually and ‘as an ordered combination’ to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application.” *Alice*, 134 S. Ct. at 2355 (quoting *Mayo*, 132 S. Ct. at 1298, 1297).

We, therefore, decide: (1) whether the claims focus on a specific means or method that improves the relevant technology, or (2) are directed to a result or effect that itself is the abstract idea, in which the claims merely invoke generic processes and machinery. *See Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1336 (Fed. Cir. 2016).

Mayo/Alice Analysis — Step 1

Regarding the first part of the *Mayo/Alice* analysis, the Examiner concludes the claims are “directed to presenting the printed coupon based on

the coupon selection which is considered to be an **abstract idea** inasmuch as such activity is considered by the Examiner as both a **fundamental economic practice** and a **method of organizing human activity** by providing an opportunity for parties to enter into a **specified agreement.**” (Final Act. 3). (emphasis added). In the Answer (3), the Examiner further concludes:

The combination of claimed steps recites printing, marking, scanning, determining and printing the determined coupons on the paper for distributing the selected coupon to the targeted individual based on the individual interest. This is simply the organization and comparison of (coupon) data which **can be performed mentally** and it is an idea of itself.

(emphasis added).

Regarding *Alice* Step 1, Appellants contend:

It is respectfully submitted that claim 1 clearly is not directed to a fundamental economic practice “long prevalent in our system of commerce,” contrary to the Examiner’s assertion on page 3 of the Final Office Action. In fact, claim 1 relates specifically to tasks **that are tied to physical items**. For example, the printing tasks in claim 1 include “printing a list of coupon options on at least **a first sheet of media**” and “printing the determined coupon on **a second sheet of media.**” Moreover, claim 1 further recites “scanning, by **a scanner**, the marked list of coupon options to produce a scanned list of coupon options,” and “determining, by **a coupon device**, a coupon based upon the scanned list of coupon options.”

The interactions of the various tasks of claim 1 with **specific physical items, including a first sheet of media, a second sheet of media, a scanner, and a coupon device, clearly establish that claim 1 is not an abstract idea**. Also, it is inaccurate to characterize claim 1 as a **fundamental economic practice** long prevalent in our system of commerce, since, as explained below in connection with the § 102

rejection of the claims, the subject matter of claim 1 is inventive over the cited art.

(App. Br. 6) (emphasis added).

Appellants further urge: “It is clear that the elements of claim 1 are **neither routine nor conventional**, contrary to the Examiner’s assertion, **since such elements are clearly not present in the art.**” (App. Br. 7). In support, however, we find Appellants merely recite the *marking, scanning,* and *determining* steps or acts of claim 1. (*Id.*) (emphasis added).

Regarding Appellants’ assertion that “the subject matter of claim 1 is inventive over the cited art” (App. Br. 6), because “the elements of claim 1 are neither routine nor conventional” (App. Br. 7), the Supreme Court guides: “[t]he ‘novelty’ of any element or steps in a process, or even of the process itself, is of **no relevance** in determining whether the subject matter of a claim falls within the § 101 categories of possibly patentable subject matter.” *Diamond v. Diehr*, 450 U.S. 175, 188–89 (1981) (emphasis added). Our reviewing court further guides that “[e]ligibility and novelty are separate inquiries.” *Two-Way Media Ltd. v. Comcast Cable Commc’ns, LLC*, 874 F.3d 1329, 1340 (Fed. Cir. 2017); *see also Affinity Labs of Tex., LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1263 (Fed. Cir. 2016) (holding that “even assuming” that a particular claimed feature was novel does not “avoid the problem of abstractness”).

However, we note Appellants’ independent method claim 1 is tied to various machines, such as “**a scanner**” and “**a coupon device.**” Similarly, independent “system” claim 8 comprises, inter alia: “**a coupon device comprising a processor,**” that causes “**a printing device** to print” and causes “**a scanning device** to scan.” (emphasis added). Independent claim 16 recites “[a] non-transitory computer-readable storage medium storing

instructions that upon execution cause **a system** to:” inter alia, further “cause printing” and “cause scanning.”²

Turning to Appellants’ Specification for *context*, we note the supporting description for the claimed machine elements:

The **coupon device 12** represents **generally any computing device or combination of computing devices** configured to communicate with **a peripheral device 14, such as a printing device, a scanning device**, a wireless device, and/or a mobile device over a link 10, such as an internet connection. For example, **the coupon device 12 includes a memory** to store a set of instructions and **a processor coupled to the memory to execute the set of instructions**.

(Spec. ¶ 18) (emphasis added).

Given this *context*, which describes the coupon device as representing “generally **any computing device** or combination of computing devices” (*id.* (emphasis added)), we find nothing in the claims on appeal that focuses on a specific means or method that **improves the relevant generic computing device technology**. In particular, we find the claims on appeal are **silent** regarding **specific limitations** directed to an **improved** scanner, printer, or processor. The recited “coupon device” is merely described in terms of **generic computer components** and/or peripheral devices. (*See* Spec. ¶ 18). The Supreme Court guides: “the mere recitation of a generic computer cannot transform a patent ineligible abstract idea into a patent-eligible invention.” *See Alice*, 134 S. Ct. at 2358.

² We give the contested claim limitations the broadest reasonable interpretation (BRI) consistent with the Specification. *See In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997).

Applying this reasoning here, and considering each claim on appeal as a whole in light of the Specification, we conclude all claims on appeal are merely directed to a result or effect that itself is the abstract idea, and merely invoke generic processes and machinery, such as **generic computer processors, scanners, and printers**. *See Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1336 (Fed. Cir. 2016).

Although we agree with Appellants that printing and scanning cannot reasonably be performed as mental steps (Reply Br. 3), our reviewing court nevertheless guides that fundamental economic and conventional business practices are often found to be abstract ideas, even if performed on a computer. *See, e.g., OIP Techs. Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1362–63 (Fed. Cir. 2015).

Thus, under a broad but reasonable interpretation, we conclude each of Appellants’ claims on appeal is directed to an economic or business practice, i.e., to the post-solution **result** of “**a printed coupon**” that is intended to be used in **a purchase transaction** according to the preferences indicated in a scanned marked list of (user) selected coupon options. (Claim 1; *see* similar language of commensurate scope, as recited in independent claims 8 and 16). Our reviewing court guides that “[t]he abstract idea exception prevents patenting a **result** where ‘it matters not by what process or machinery the result is accomplished.’” *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1312 (2016) (quoting *O’Reilly v. Morse*, 56 U.S. 62, 113 (1854)) (emphasis added).

Therefore, on this record, we are not persuaded of error regarding the Examiner’s legal conclusion that all claims on appeal are directed to the patent-ineligible “abstract idea” of performing a fundamental economic

practice (i.e., consumer business transactions) using **printed coupons**.
(Final Act. 3).

Mayo/Alice Analysis – Step 2

Because we conclude the claims are directed to an abstract idea, we turn to the second part of the *Mayo/Alice* analysis. We analyze the claims to determine if there are additional limitations that individually, or as an ordered combination, ensure the claims amount to “significantly more” than the abstract idea. *Alice*, 134 S. Ct. at 2357.

Regarding the second part of the *Alice/Mayo* analysis, the Examiner concludes:

The elements of the instant method, when taken in combination, together **do not offer substantially** more than the sum of the functions of the elements when each is taken alone. That is, the elements involved in the recited method to deliver coupon (descriptive material) undertake their roles in performance of their activities according to their generic functionalities **which are well-understood, routine and conventional**. The elements together execute in routinely and conventionally accepted coordinated manners and interact with their partner elements to achieve an overall outcome which, similarly, is merely the combined and coordinated execution of **generic application functionalities which are well-understood, routine and conventional activities previously known to the industry**.

(Final Act. 4).

Regarding *Alice* Step 2, Appellants urge, *inter alia*: “It is clear that the elements of claim 1 are **neither routine nor conventional**, contrary to the Examiner’s assertion, since such elements are **clearly not present in the art**.” (App. Br. 7) (emphasis added). In support, however, Appellants merely enumerate the *marking*, *scanning*, and *determining* steps or acts of

claim 1 and conclude: “The foregoing elements of claim 1 cannot be properly characterized as merely ‘printing a list of coupon[s].’” (*Id.*).

Appellants’ arguments do not persuade us the Examiner erred, because Appellants essentially recite the claim limitations without any persuasive explanation of how the limitations either individually, or as an ordered combination, amount to an **inventive concept** that converts the abstract idea into patent-eligible subject matter.

Appellants further urge:

The Examiner further incorrectly stated that claim 1 recites “a method of organizing human activity by providing an opportunity for parties to enter into a **specified agreement**.” Office Action at 3. **There is no reference to any entry into an agreement in claim 1.** Since the Examiner has erred in asserting that claim 1 relates to a method of organizing human activity by **providing an opportunity for parties to enter into a specified agreement**, Appellant respectfully submits that the assertion by the Examiner that claim 1 is directed to an abstract idea on this alternative basis is clearly incorrect.

(App. Br. 7–8) (emphasis added).

However, we find a mutually-agreed **business transaction** using coupons is a method of organizing human activity consistent with the common practice of discounting the retail price of merchandise as being “on sale” (i.e., a **fundamental economic and business practice**), in which potential buyers are offered a discounted purchase price. Such discounts can alternatively be realized by coupons printed according to user selection and/or preferences.

The Supreme Court guides the category of abstract ideas embraces “fundamental economic practice[s] long prevalent in our system of commerce.” *Alice*, 134 S. Ct. at 2356. Further, “simply appending

conventional steps, specified at a high level of generality, to laws of nature, natural phenomena, and abstract ideas cannot make those laws, phenomena, and ideas patentable.” *Mayo*, 132 S. Ct. at 1300.

Nevertheless Appellants’ (App. Br. 8; Reply Br. 7) cite to *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014), and urge: “claim 1 is inventive over references cited by the Examiner. The presence of this inventive subject matter is sufficient to transform the process of claim 1 into a patent-eligible application, consistent with the guidance provided by the Supreme Court in *Alice*.” (Reply. Br. 7).

We note *DDR* was the first Federal Circuit decision to uphold the validity of e-commerce (business methods and software-based) patent claims after the Supreme Court’s decision in *Alice*. In *DDR*, the Federal Circuit applied the Supreme Court’s *Alice* two-step framework, and upheld the validity of *DDR*’s patent on its web-page display technology. *DDR*, 773 F.3d at 1248.

However, we find the problem addressed by Appellants’ claims is not similar or otherwise analogous to the specific technical problem addressed by the subject claims in *DDR*. In *DDR*, the claimed feature was directed to **retaining a website visitor when the visitor clicked on a third-party merchant’s advertisement on the host website**. Instead of taking the visitor to the third-party merchant’s website (and thus losing the visitor to the third-party merchant), *DDR*’s claimed system generated **a hybrid web page** that: (1) displayed product information from the third party merchant, but also, (2) **retained the host website’s “look and feel.”**

Here, we note Appellants’ claims are **silent** regarding any mention of websites or solutions to technical problems, such as “serv[ing] to the visitor

a new, hybrid web page that merges content associated with the products of the third-party merchant with the stored ‘visually perceptible elements’ from the identified host website,” as was the case considered by the court in *DDR*, 773 F.3d at 1257.

Moreover, to the extent that Appellants’ recited steps or acts (or functions) may be performed faster or more efficiently using a computer, or “processor” (claim 8), our reviewing court provides applicable guidance:

While the claimed system and method certainly purport to accelerate the process of analyzing audit log data, **the speed increase comes from the capabilities of a general-purpose computer, rather than the patented method itself.** *See Bancorp Servs., L.L.C. v. Sun Life Assurance Co. of Can. (U.S.)*, 687 F.3d 1266, 1278 (Fed. Cir. 2012) (“[T]he fact that the required calculations could be performed **more efficiently** via a computer does not materially alter the patent eligibility of the claimed subject matter.”).

FairWarning IP, LLC v. Iatric Sys., Inc., 839 F.3d 1089, 1095 (Fed. Cir. 2016) (emphases added).

Further regarding the use of a **generic** “processor” (claim 8) *see Alice*, 134 S. Ct. at 2358 (holding that “the mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention”); *BASCOM Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1348 (Fed. Cir. 2016) (“An abstract idea on ‘an Internet computer network’ or on a generic computer is still an abstract idea.”); *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1355 (Fed. Cir. 2016) (“We have repeatedly held that such invocations of computers and networks that are not even arguably inventive are ‘insufficient to pass the test of an inventive concept in the application’ of an abstract idea.”) (quotations

omitted); *Intellectual Ventures I LLC v. Capital One Fin. Corp.*, 850 F.3d 1332, 1341 (Fed. Cir. 2017) (“Rather, the claims recite both a **generic computer element—a processor—and a series of generic computer ‘components’** that merely restate their individual functions . . . That is to say, they merely describe the functions of the abstract idea itself, without particularity. This is simply not enough under step two.”). (emphasis added).

Applying the aforementioned guidance here, we conclude Appellants’ claims on appeal are **not directed to an improvement in computer, processor, printer, or scanner functionality**. Therefore, we conclude that none of the claim limitations, viewed “both individually and as an ordered combination,” amount to significantly more than the judicial exception in order to sufficiently transform the nature of the claims into patent-eligible subject matter. *See Alice*, 134 S. Ct. at 2355 (internal quotations omitted) (quoting *Mayo*, 132 S. Ct. at 1297).

For at least the aforementioned reasons, and on this record, Appellants have not persuaded us the Examiner erred regarding rejection A of all claims on appeal. Accordingly, we sustain the Examiner’s rejection A of representative claim 1, and grouped claims 2–6, 8–11, 13, 14, 16, and 21–28 under 35 U.S.C. § 101.³

³ To the extent Appellants have not advanced separate, substantive arguments for particular claims, or other issues, such arguments are waived. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Rejection B of Independent Claims 1, 8 and 16 under § 102(b)

Based upon our review of the record, we find the following issue is dispositive regarding all claims rejected under anticipation rejection B:

Issue: Under pre-AIA 35 U.S.C. § 102(b), did the Examiner err by finding that Barkan expressly or inherently discloses contested limitations L1 and L2:

[L1] printing a list of coupon options on at least a first sheet of media via a coupon application to yield a printed list of coupon options;

[L2] marking the printed list of coupon options by placing, on the first sheet of media, selection marks next to selected coupon options from among the printed list of coupon options, the marking yielding a marked list of coupon options[,]within the meaning of representative claim 1?⁴ (emphasis added).

Regarding contested limitation L1, the Examiner finds the contested step or act of “printing a list of coupon options” (claim 1) is disclosed by Barkan at paragraphs 120, 121, 185, and 187:

printing a list of coupon options on at least a first sheet of media to yield a printed list of coupon options (paragraph [0120], discloses a coupon will be printed out along with the list, paragraph [0121], discloses special paper for printing coupon, paragraph [0185],discloses shopping list is printed out, items which coupon which also printed and paragraph [0187], discloses printing coupon in single page);
(Final Act. 7) (emphasis omitted).

⁴ We give the contested claim limitations the broadest reasonable interpretation (BRI) consistent with the Specification. *See Morris*, 127 F.3d at 1054.

Regarding contested limitation L2, the Examiner finds the contested step or act of “marking the printed list of coupon options” (claim 1) is disclosed by Barkan at paragraphs 122 and 185:

marking the printed list of coupon options by placing, on the first sheet of media, selection marks next to selected coupon options from among the printed list of coupon options, the marketing yielding a marked list of coupon options (paragraph [0122], discloses items on the list which have coupon available highlighted (marked) on the printed list and paragraph [0185], discloses coupon which is printed highlighted on the listed);
(Final Act. 7) (emphasis omitted).

After reviewing the record, and the portions of Barkan cited by the Examiner (Final Act. 6–15; Ans. 4–9), we find a preponderance of the evidence supports at least Appellants’ principal contentions, as follows:

Paragraph [0120] of Barkan refers to a user “print[ing] out the shopping list on his home printer before going shopping.” Barkan, ¶ [0120]. Paragraph [0121] of Barkan states that “[s]pecial paper for printing coupons can be made available.” *Id.*, ¶ [0121]. Barkan further states that “[w]hen the shopping list is printed out, items for which coupons were also printed will be highlighted on the list, reminding the consumer that coupons are available.” *Id.*, ¶ [0185].

In Barkan, as part of the printing of a shopping list, items (to be purchased by a user such as at a grocery store) for which coupons were also printed will be highlighted. The shopping list of items is a list of items that the user wishes to purchase. Items for which coupons are available or have been printed are also highlighted on the list of items.

What is highlighted on the list of items in Barkan are the items themselves, i.e. the items that are to be purchased. Moreover, the highlighting of the items is performed as part of the printing in Barkan.

In contrast, according to claim 1, “selection marks next to selected coupon options” are placed on the first sheet of media,

after a list of coupon options is printed on the first sheet of media. Highlighting items that are to be purchased as performed in Barkan is not the same as placing selection marks next to selected coupon options, as claimed. In Barkan, items to be purchased are highlighted; in claim 1, selected coupon options are marked.

Moreover, in claim 1, the marking is performed on the **printed** list of coupon options by placing, on the first sheet of media, selection marks next to selected coupon options. The **printed** list of coupons is produced by the “printing [of] the list of coupon options on at least a first sheet of media.” Thus, in claim 1, **after** printing of the list of coupon options on the first sheet of media to produce the **printed** list of coupons, the marking of the **printed** list of coupons is performed by placing selection marks next to the selected coupon options among the **printed** list of coupon options. In contrast, in Barkan, the highlighting is already performed as part of the printing, with no marking performed after the printing.

(App. Br. 12–13).

For at least the aforementioned reasons argued by Appellants (*id.*), we find a preponderance of the evidence does not support the Examiner’s anticipation rejection of independent claim 1. Remaining independent claims 8 and 16 recite contested limitations L1 and L2 (of claim 1) using similar language of commensurate scope.

Therefore, we are persuaded the Examiner erred regarding all claims 1–6, 8–11, 13, 14, 16, and 21–28 rejected under rejection B under 35 U.S.C. § 102 (b). Accordingly, we reverse the Examiner’s rejection B of all claims rejected thereunder.

Reply Brief

As pertaining to rejection A under § 101 (affirmed), to the extent Appellants advance new arguments in the Reply Brief not in response to a shift in the Examiner's position in the Answer, we note arguments raised in a Reply Brief that were not raised in the Appeal Brief or are not responsive to arguments raised in the Examiner's Answer will not be considered except for good cause. *See* 37 C.F.R. § 41.41(b)(2).

Conclusions

The Examiner did not err in rejecting claims 1–6, 8–11, 13, 14, 16, and 21–28 under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter.

The Examiner erred in rejecting claims 1–6, 8–11, 13, 14, 16, and 21–28 under pre-AIA 35 U.S.C. § 102(b) as being anticipated by Barkan.

DECISION

We affirm the Examiner's decision rejecting claims 1–6, 8–11, 13, 14, 16, and 21–28 under 35 U.S.C. § 101.

We reverse the Examiner's decision rejecting claims 1–6, 8–11, 13, 14, 16, and 21–28 under pre-AIA 35 U.S.C. § 102(b).

Because we have affirmed at least one ground of rejection with respect to each claim on appeal, the Examiner's decision is affirmed. *See* 37 C.F.R. § 41.50(a)(1).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv). *See* 37 C.F.R. § 41.50(f).

AFFIRMED